

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation against: )

**SONIA SHEFAYEE, P.A.** )

Physician Assistant )

License No. PA 17868 )

\_\_\_\_\_  
Respondent )

Case No. 950-2019-002554

OAH No. 2022100506

**ORDER DENYING PETITION FOR RECONSIDERATION**

The Petition filed by Sonia Shefayee, P.A., for the reconsideration of the decision in the above-entitled matter having been read and considered by the Physician Assistant Board, is hereby denied.

This Decision remains effective at 5:00 p.m. on April 3, 2023.

**IT IS SO ORDERED:** April 3, 2023



\_\_\_\_\_  
Juan Armenta  
President  
Physician Assistant Board

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:	)	
	)	Case No. 950-2019-002554
<b>SONIA SHEFAYEE, P.A.</b>	)	
	)	OAH NO. 2022100506
	)	
Physician Assistant	)	<b>ORDER GRANTING STAY</b>
License No. PA 17868	)	
	)	(Government Code Section 11521)
	)	
_____ Respondent	)	

**ORDER GRANTING STAY**

Respondent, Sonia Shefayee, has filed a Petition for Reconsideration of the Decision in this matter with an effective date of March 24, 2023, at 5:00 p.m.

Execution is stayed until April 3, 2023, at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to review and consider the Petition for Reconsideration.

DATED: March 23, 2023

*Rozana Khan*

\_\_\_\_\_  
Rozana Khan  
Executive Officer  
Physician Assistant Board

BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation )  
Against: )

Sonia Shefayee, P.A. )

Case No. 950-2019-002554

Physician Assistant )  
License No. PA 17868 )

OAH No. 2022100506

Respondent )  
\_\_\_\_\_ )

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Physician Assistant Board ("Board") as the Decision in the above-entitled matter, except that, pursuant to Government Code section 11517, subdivision (c)(2)(C), technical or other minor change in the Proposed Decision are made as follows:

1. On page 2, paragraph no. 2 of Factual Findings, the date is corrected to read "July 26, 2022."

The technical or minor change made above does not affect the factual or legal basis of the Proposed Decision.

This Decision shall become effective at 5:00 p.m. on March 24, 2023.

IT IS SO ORDERED February 24, 2023.

PHYSICIAN ASSISTANT BOARD

By:   
\_\_\_\_\_  
Juan Armenta, President

**BEFORE THE  
PHYSICIAN ASSISTANT BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**SONIA SHEFAYEE, P.A.,  
Physician Assistant License No. PA 17868  
Respondent.**

**Agency Case No. 950-2019-002554**

**OAH No. 2022100506**

**PROPOSED DECISION**

Administrative Law Judge Juliet E. Cox, State of California, Office of Administrative Hearings, heard this matter on January 17, 2023, by videoconference.

Deputy Attorney General Harriet Newman represented complainant Rozana Khan, Executive Officer of the Physician Assistant Board.

Respondent Sonia Shefayee, P.A., appeared representing herself.

The matter was submitted for decision on January 17, 2023.

## **FACTUAL FINDINGS**

1. Respondent Sonia Shefayee is a physician assistant. She holds Physician Assistant License No. PA 17868, which the Physician Assistant Board first issued to her on March 22, 2005. At the time of the hearing, this license was active and was scheduled to expire January 31, 2023.

2. Acting in her official capacity as Executive Officer of the Board, complainant Rozana Khan signed an accusation against respondent on July 21, 2022. The accusation alleges that respondent has committed two forms of unprofessional conduct: (1) she requested medical records from a hospital under false premises, regarding a person about whom she lacked authority to obtain such records; (2) she failed to report two criminal convictions to the Board as the laws governing physician assistants require. Complainant seeks disciplinary action against respondent as a result of this unprofessional conduct, and respondent requested a hearing.

### **Request for Medical Records**

3. In March 2019, respondent was an owner and medical care provider at the Urgent Care Center of Alameda. (This clinic closed in early 2020.)

4. Respondent's brother, Said Shefayee, has two young children. In March 2019, he and the children's mother did not live together. The children's mother held sole custody of the children, who visited their father regularly. Although respondent's brother did not have legal custody of his children, he did have the right to obtain information from medical care providers about their medical care.

5. Respondent's brother's children visited him over the weekend of March 16 and 17, 2019. The elder child had several nosebleeds during these two days.

Respondent's brother took the child to Children's Hospital Oakland (CHO) twice for emergency care, once late at night on March 16 and again in the late afternoon on March 17. Respondent accompanied her brother and the child to the first CHO emergency department visit.

6. Respondent's brother asked respondent to help him obtain his child's records from CHO, because he feared that his children's mother would interfere with his efforts to obtain them. Respondent asked a staff member in her clinic to request the records.

7. On March 19, 2019, someone who was neither respondent nor her brother filled out a record request form on Urgent Care Center of Alameda letterhead. The letterhead identified respondent ("Sonia Shefayee, PA") and a physician as the medical care providers at the Urgent Care Center of Alameda.

a. This form identified the child patient about whom the form requested records, and stated the child's date of birth (in December 2015). It asked CHO to send records relating to "Continuing care" and "all ER Notes" to the Urgent Care Center of Alameda, and to send them "STAT" (right away).

b. On the form's signature line, next to the identifying label "Patient Signature," the person wrote "S. Shefayee," but did not write anything else to indicate the relationship between "S. Shefayee" and the three-year-old patient.

c. Someone at the Urgent Care Center of Alameda transmitted the record request form to CHO, and CHO promptly released records to the Urgent Care Center of Alameda in response.

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8. At about the same time as someone from the Urgent Care Center of Alameda requested records about respondent's brother's child from CHO, the child's mother also requested the child's CHO records. When she did not receive them, the mother telephoned CHO. The person who spoke to the mother said that CHO had fulfilled the record request. After discussion, the mother realized that CHO had sent the child's records to the Urgent Care Center of Alameda, and that the CHO staff member with whom the mother was speaking believed mistakenly that sending the records to the Urgent Care Center of Alameda had satisfied the mother's request.

9. The mother complained to the CHO staff member that she had not authorized anyone from the Urgent Care Center of Alameda to obtain medical records about the child. In response to follow-up inquiries from CHO, someone at the Urgent Care Center of Alameda transmitted several other versions of the same record request form to CHO on March 19 and 20. One of these additional form versions added respondent's brother's illegible signature below the "Patient Signature" line; another omitted the indication "S. Shefayee" and included only respondent's brother's signature on the "Patient Signature" line.

10. Respondent attempted in testimony (and in an earlier interview with Board representatives) to explain why the record request form had asked CHO to release the records to the Urgent Care Center of Alameda, rather than directly to the child's father, and why the original form had implied that she, rather than the child's father, was the requestor.

a. Respondent stated that she believes she had a right to obtain the child's medical records, independent of any right her brother held as the child's parent, because she previously had provided medical care to the child and anticipated doing so again in the future. Her testimony that in March 2019 she had an ongoing

relationship with the child as the child's healthcare provider, in addition to her family relationship with the child, is not credible, and is inconsistent with other evidence.

b. Respondent testified as well that she had instructed the clinic staff member to wait until her brother had signed the record request form before submitting it to CHO, and that she terminated the staff member's employment in part because the staff member submitted the form without respondent's brother's signature. Respondent's testimony that the clinic staff member violated respondent's instructions with respect to this record request also is not credible.

11. Respondent's brother had the right to obtain his child's medical records from CHO, and respondent acted with her brother's authorization in requesting these records. The manner in which respondent requested the child's records was dishonest, however, because respondent represented falsely to CHO staff members that she needed the records herself, and urgently, to provide ongoing medical care to the child.

12. According to John Erickson, M.D., a family physician in private practice in California, respondent committed a simple departure from the standard of care for a primary care medical provider by requesting medical records about a person (respondent's niece) as to whom respondent had no medical reason to review records. She also committed a simple departure from the standard of care by failing to ensure that her clinic's staff member requested medical records only for an appropriate recipient and an appropriate reason. Finally, respondent committed a simple departure from the standard of care by allowing her familial affection for her brother and his child to influence her medical practice decisions. These un rebutted opinions are persuasive.

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## **Failure to Disclose Criminal Charges or Convictions**

13. Respondent has faced criminal charges twice since she received Physician Assistant License No. PA 17868.

### **2012 INFRACTION CONVICTION**

14. An unofficial criminal records index from the Alameda County Superior Court states that respondent was convicted on April 25, 2012, of a misdemeanor violation of Penal Code section 484, subdivision (a) (theft) and of an infraction of Penal Code section 415 (using offensive words or fighting in public). This unofficial index states further that the court fined respondent \$100, but did not place her on probation. The court has purged documents about this criminal matter from its records.

15. Respondent testified that she recalls being convicted in April 2012 only of the infraction. She denies having been convicted of, or charged with, any theft crime on this occasion. The evidence is inadequate to establish that respondent was convicted in April 2012 of any misdemeanor.

16. Respondent stated at the hearing that this 2012 conviction resulted from an incident in which she overheard another person in a store making bigoted statements about a third person. She strenuously criticized the person making the bigoted statements, who turned out to be a member of the store's security staff.

17. At her interview with Board representatives, however, respondent stated first that she could not recall "specific details" about the incident that resulted in this 2012 conviction. She then described the incident as involving a dispute with store security personnel over whether she had shoplifted merchandise.

18. Respondent's hearing testimony about this incident is not credible. Nevertheless, no evidence establishes exactly what behavior resulted in her conviction in April 2012 for an infraction of Penal Code section 415.

19. Respondent did not report to the Board that she faced any criminal charges before her infraction conviction in April 2012.

20. Since respondent received her physician assistant license, she has renewed it every other year in odd-numbered years, effective each year on February 1. The evidence does not establish what information the renewal application respondent completed in early 2013 requested about criminal convictions since respondent's previous renewal. Respondent did not report the 2012 infraction conviction to the Board, however.

### **2016 MISDEMEANOR CHARGE**

21. On September 4, 2015, respondent went shopping in a clothing store. When she checked out, she did not pay for all the merchandise she had collected. Store security personnel intercepted her, and a responding police officer issued a citation to respondent charging her with a violation of Penal Code section 484. The People later filed a criminal complaint against respondent in the Alameda County Superior Court specifying this charge as a misdemeanor.

22. Respondent did not report this criminal charge to the Board.

23. As part of a negotiated disposition of this criminal matter, respondent pled "no contest" on November 9, 2016, to the charge that she had committed a misdemeanor violation of Penal Code section 484. The court deferred entry of judgment against respondent, ordering that if she violated no other laws and stayed

away from the store for the next year, the court would dismiss the criminal charge instead of convicting respondent on her "no contest" plea. The court ordered further that if respondent failed to qualify for deferred dismissal, the court would enter judgment convicting her and ordering her to spend three years on probation. On November 9, 2017, the court dismissed the criminal charge against respondent described above in Finding 21.

24. Respondent testified credibly that her criminal defense counsel advised her that if she qualified for deferred dismissal of the shoplifting charge described in Finding 21, she would not be under any obligation to report to any professional licensing agency that she had been convicted of a crime. Her counsel did not advise her of any obligation, and she was not aware independently of any, to report to the Board that she had entered a plea of "no contest" to a misdemeanor criminal charge.

25. When she applied in early 2017 to renew her physician assistant license, respondent answered "no" to a question asking if she had been "convicted of any crime" since her last license renewal. She gave the same answer on the renewal application she submitted in early 2019.

### **Additional Evidence**

26. In December 2022, respondent completed a two-day videoconference course in medical record-keeping. This course did not lead respondent to re-evaluate whether any aspect of her conduct in requesting records for her brother from CHO was unprofessional.

27. At the time of the hearing, respondent had enrolled in a two-day course on medical ethics and professionalism, to occur shortly after the hearing. Course

enrollment materials respondent presented state that the course includes mandatory six- and twelve-month follow-up reviews.

28. Respondent's brother's children's mother complained to the United States Department of Health and Human Services (HHS) that respondent had violated the child's medical privacy by requesting and obtaining her records from CHO. HHS responded by sending the Urgent Care Center of Alameda a "checklist of the required elements of a valid authorization" to release medical records, and urging respondent to train staff members to avoid future noncompliance with medical privacy laws. HHS took no other action regarding the issue.

### **Costs**

29. Before the hearing, the Board had incurred \$16,748.75 in costs for legal services provided to complainant by the California Department of Justice in this matter. In addition, complainant estimated that the Board would incur an additional \$660.00 through the hearing date. Complainant's claim for reimbursement of these costs is supported by a declaration that complies with California Code of Regulations, title 1, section 1042, subdivision (b).

30. No evidence contradicted the necessity for these costs, and respondent did not argue that they were unreasonably high. Complainant's prosecution costs are reasonable.

### **LEGAL CONCLUSIONS**

1. The Board may discipline respondent's physician assistant license only upon clear and convincing proof, to a reasonable certainty, of the facts establishing

cause for discipline. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

### **First Cause for Discipline: Unprofessional Conduct**

2. The Board may impose professional discipline on respondent for unprofessional conduct, including for repeated negligence or for violating medical privacy. (Bus. & Prof. Code, §§ 2234, subd. (c), 2263, 3527, subd. (a).)

3. Complainant alleges that respondent committed unprofessional conduct when she "fraudulently requested medical records for an unauthorized individual." The matters stated in Findings 4, 6, 9, and 11 refute complainant's allegation that respondent requested medical records for a person who was not authorized to receive them. The matters stated in Findings 6, 10, and 11 confirm, however, that respondent employed deception in requesting these medical records. Finally, the matters stated in Finding 12 demonstrate that this deception involved several acts of negligence, and constituted unprofessional conduct. Cause for discipline exists against respondent for unprofessional conduct.

### **Second Cause for Discipline: Criminal Charges and Convictions**

4. The Board may impose professional discipline on respondent for criminal convictions. Specifically, if a licensee enters a "plea . . . of guilty," or is convicted after a "no contest" plea, and if the crime is either a felony or is "substantially related to the qualifications, functions, or duties" of a physician assistant, the Board may impose professional discipline. (Bus. & Prof. Code, § 3531; see also *id.*, § 490.)

5. The matters stated in Findings 14 through 18 do not establish that respondent was convicted in 2012 of a felony, or of any other crime substantially

related to a physician assistant's licensed activities. They do not constitute cause for discipline against respondent under Business and Professions Code sections 3531 and 490.

6. The matters stated in Findings 21 and 23 do not establish that respondent was convicted in 2016 of any crime, or that she entered a plea of "guilty" to any criminal charges. They do not constitute cause for discipline against respondent under Business and Professions Code sections 3531 and 490.

7. A licensed physician assistant must report felony criminal charges whether or not conviction results, and must report misdemeanor charges if convicted or if the licensee enters a "no contest" plea. (Bus. & Prof. Code, § 802.1, subd. (a)(1)(B).) Failure to make such a report within 30 days is cause for professional discipline. (*Id.*, §§ 802.1, subd. (a), 3527, subd. (a).)

8. The matters stated in Findings 14 through 20 do not establish that respondent failed to discharge any reporting obligation with respect to the charges that resulted in her 2012 infraction conviction. They do not constitute cause for discipline against respondent under Business and Professions Code sections 802.1 and 3527.

9. The matters stated in Findings 21 and 22 do not establish that respondent failed to discharge any reporting obligation with respect to the criminal charges against her in 2015, but the matters stated in Findings 21, 23, and 24 do establish that she failed to discharge an obligation to report her 2016 "no contest" plea. The matters stated in Findings 21, 23, and 24 constitute cause for discipline against respondent under Business and Professions Code sections 802.1 and 3527.

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## **Disciplinary Considerations**

10. Business and Professions Code sections 490 and 3531 make "convictions" for crimes relating substantially to physician assistant practice cause for discipline, but these code sections do not include deferred entry of dismissal following a "no contest" plea in their definitions of "conviction." In contrast, Business and Professions Code section 802.1 requires a health care provider to report any "plea of guilty or no contest," to any misdemeanor. In light of these statutory inconsistencies and of the matters stated in Finding 24, respondent's failure to report the "no contest" plea described in Finding 23 does not indicate either that she fails to respect the Board's regulatory authority or that she poses a significant risk to public safety.

11. The matters stated in Findings 10, 11, 18, and 21, however, cast doubt on respondent's honesty. Moreover, the matters stated in Findings 10 and 26 show that respondent still fails to appreciate that her conduct with respect to her brother's child's medical records was unprofessional. A period of probation is appropriate, during which the Board may confirm that respondent understands and can discharge her obligations both to keep honest records and to respect medical privacy.

12. The Board has adopted a Manual of Disciplinary Guidelines and Model Disciplinary Orders (Guidelines). (Cal. Code Regs., tit. 16, § 1399.523.) For making or signing false documents, these Guidelines recommend a minimum probation period of three years. This period is appropriate for respondent. The Guidelines also recommend optional probation terms that include a medical record-keeping course, an ethics course, and a requirement that respondent keep written records at her worksite of every patient contact. These terms are appropriate as well for respondent; other optional terms in the Guidelines, such as a limit on prescribing certain drugs, are not necessary on this record to protect public safety.

## Costs

13. A licensee found to have committed a violation of the licensing act may be required to pay the Board the reasonable costs of investigation and enforcement of the case. (Bus. & Prof. Code, § 125.3.) The matters stated in Findings 29 and 30 establish that these costs for this matter total \$17,408.75.

14. In *Zuckerman v. State Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth the standards by which a licensing board or bureau must exercise its discretion to reduce or eliminate cost awards to ensure that the board or bureau does not deter licensees with potentially meritorious claims from exercising their administrative hearing rights. The court held that a licensing board requesting reimbursement for costs relating to a hearing must consider the licensee's "subjective good faith belief" in the merits of his position and whether the licensee has raised a "colorable challenge" to the proposed discipline. (*Id.* at p. 45.) The board also must consider whether the licensee will be "financially able to make later payments." (*Ibid.*) Last, the board may not assess full costs of investigation and enforcement when it has conducted a "disproportionately large investigation." (*Ibid.*)

15. The accusation against respondent alleged numerous events that the evidence did not support, and a few that the evidence proved false. Moreover, the accusation included substantial detail about respondent's brother's conflict with his children's mother that was immaterial to the professional misconduct complainant alleged, but that baited respondent into attempting to justify her actions by discrediting her brother's children's mother and rebutting these irrelevant but inflammatory details. A reduction in complainant's recoverable costs to \$3,000 is appropriate.



## **ORDER**

Physician Assistant License No. PA 17868, issued to respondent Sonia Shefayee, P.A., is revoked. The revocation is stayed, however; and respondent is placed on probation for three years on the following terms and conditions.

1. Medical Record Keeping Course

Within 60 calendar days of the effective date of this decision, respondent must enroll in a course in medical record-keeping approved in advance by the Board or its designee. The course must be Category I certified and must occur in a classroom, conference, or seminar setting. A strictly on-line, asynchronous course will not satisfy this requirement; but the Board or its designee may, in its discretion, approve a course offered by videoconference. Respondent must successfully complete the course within the first 6 months of probation.

Respondent is responsible for paying the cost of the course.

Respondent must submit a certification of successful completion to the Board or its designee within 15 days after completing the course.

2. Ethics Course

Within 60 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval a course in ethics. The course must be Category I certified and must occur in a classroom, conference, or seminar setting. A strictly on-line, asynchronous course will not satisfy this requirement; but the Board or its designee may, in its discretion, approve a course offered by videoconference. Respondent shall successfully complete the course within the first year of probation.

Respondent is responsible for paying the cost of the course.

Respondent shall submit a certification of successful completion to the Board or its designee within 15 days after completing the course.

3. Maintenance of Patient Medical Records

During the first full year of probation, respondent shall keep written medical records for each patient contact (including all visits and phone calls) at the worksite, and shall make them available for immediate inspection by the Board or its designee on the premises at all times during business hours. During subsequent years, respondent shall continue to keep medical records and to make them available for inspection by the Board or its designee in the same manner as all other licensed physician assistants.

4. Approval of Supervising Physician

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee for its prior approval the name and license number of the supervising physician and a practice plan detailing the nature and frequency of supervision to be provided. Respondent shall not practice until the supervising physician and practice plan are approved by the Board or its designee.

Respondent shall have the supervising physician submit quarterly reports to the Board or its designee.

If the supervising physician resigns or is no longer available, respondent shall, within 15 days, submit the name and license number of a new supervising physician for approval. Respondent shall not practice until a new supervising physician has been approved by the Board or its designee.

5. Notification of Employer and Supervising Physician

Respondent shall notify her current and any subsequent employer and supervising physician(s) of the discipline and provide a copy of the accusation, decision, and order to each employer and supervising physician(s) during her period of probation, before accepting or continuing employment. Respondent shall ensure that each employer informs the Board or its designee, in writing within 30 days, verifying that the employer and supervising physician(s) have received a copy of the accusation, decision, and order.

This condition shall apply to any change(s) in place of employment.

The respondent shall provide to the Board or its designee the names, physical addresses, mailing addresses, and telephone numbers of all employers, supervising physicians, and work site monitor, and shall inform the Board or its designee in writing of the facility or facilities at which the person practices as a physician assistant.

Respondent shall give specific, written consent to the Board or its designee to allow the Board or its designee to communicate with the employer, supervising physician, or work site monitor regarding the licensee's work status, performance, and monitoring.

6. Obey All Laws

Respondent shall obey all federal, state, and local laws, and all rules governing the practice of medicine as a physician assistant in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

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## 7. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

## 8. Other Probation Requirements

Respondent shall comply with the Board's probation unit. Respondent shall, at all times, keep the Board and probation unit informed of respondent's business and residence addresses. Changes of such addresses shall be immediately communicated in writing to the Board and probation unit. Under no circumstances shall a post office box serve as an address of record, except as allowed by California Code of Regulations, title 16, section 1399.511.

Respondent shall appear in person for an initial probation interview with Board or its designee within 90 days of the decision. Respondent shall attend the initial interview at a time and place determined by the Board or its designee.

Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform the probation unit, in writing, of any travel to any areas outside the jurisdiction of California that lasts, or is contemplated to last, more than 30 days.

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9. Interview with Medical Consultant

Respondent shall appear in person for interviews with the Board's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

10. Non-Practice While on Probation

Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days. Non-practice is defined as any period of time exceeding 30 calendar days in which respondent is not practicing as a physician assistant. Respondent shall not return to practice until the supervising physician is approved by the Board or its designee.

If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the Board in writing of the date of departure, and the date or return, if any.

Practicing as a physician assistant in another state of the United States or federal jurisdiction while on active probation with the physician assistant licensing authority of that state or jurisdiction shall not be considered non-practice.

All time spent in a clinical training program that has been approved by the Board or its designee, shall not be considered non-practice. Non-practice due to a Board ordered suspension or in compliance with any other condition or probation, shall not be considered a period of non-practice.

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Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term. Periods of non-practice do not relieve respondent of the responsibility to comply with the terms and conditions of probation.

It shall be considered a violation of probation if for a total of two years, respondent fails to practice as a physician assistant. Respondent shall not be considered in violation for non-practice as long as respondent is residing and practicing as a physician assistant in another state of the United States and is on active probation with the physician assistant licensing authority of that state, in which case the two-year period shall begin on the date probation is completed or terminated in that state.

11. Unannounced Clinical Site Visit

The Board or its designee may make unannounced clinical site visits at any time to ensure that respondent is complying with all terms and conditions of probation.

12. Condition Fulfillment

A course, evaluation, or treatment completed after the acts that gave rise to the charges in the accusation but prior to the effective date of the decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of the condition.

13. Completion of Probation

Respondent shall comply with all financial obligations (e.g., cost recovery, probation costs) no later than 60 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's license will be fully restored.

14. Violation of Probation

If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

15. Cost Recovery

Respondent is hereby ordered to reimburse the Physician Assistant Board the amount of \$3,000 for its enforcement costs. Respondent shall complete this reimbursement within 90 days from the effective date of this decision, unless respondent requests and receives written approval from the Board for an installment payment plan. Failure to reimburse the Board in accordance with this paragraph and any approved installment payment plan shall constitute a violation of the probation order. The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the Board for its enforcement costs.

16. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. The costs shall be made payable to the Physician Assistant Board and delivered to the Board no later than January 31 of each calendar year.

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17. Voluntary License Surrender

Following the effective date of this probation, if respondent ceases practicing due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request, in writing, the voluntary surrender of respondent's license to the Board. Respondent's written request to surrender her license shall include the following: her name, license number, case number, address of record, and an explanation of the reason(s) why respondent seeks to surrender her license. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Respondent shall not be relieved of the requirements of her probation unless the Board or its designee notifies respondent in writing that respondent's request to surrender her license has been accepted. Upon formal acceptance of the surrender, respondent shall, within 15 days, deliver respondent's wallet and wall certificate to the Board or its designee and shall no longer practice as a physician assistant. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a physician assistant license, the application shall be treated as a petition for reinstatement of a revoked license.

DATE: 01/27/2023

*Juliet E. Cox*

JULIET E. COX

Administrative Law Judge

Office of Administrative Hearings